

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 08/18/2020

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LUCIA ALMONTE,
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Plaintiff, :
:
-against- :
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:
RAHMAN IDLETT, WERNER ENTERPRISES, :
INC., AND WERNER ENTERPRISES, LLC, :
:
Defendants. :
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19-CV-6594 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Defendants disclosed in their August 14, 2020, Supplemental Response to Notice of Discovery and Inspection that they possess post-incident video surveillance of Plaintiff from February, July, and August 2020, and that Defendants “may use [this video surveillance] at trial for impeachment or other proper purposes” (Dkt. 28 Ex. 4);

WHEREAS a deposition of Plaintiff, limited in scope to Plaintiff’s treatment and physical condition subsequent to a March 2, 2020, lumbar spine fusion surgery, is scheduled for August 19, 2020;

WHEREAS the parties participated in a discovery teleconference with the Court on August 17, 2020;

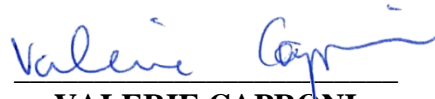
WHEREAS Defendants have represented to the Court that they do not intend to use the video surveillance at Plaintiff’s August 19, 2020, deposition for any purpose other than impeachment, if necessary, and that Defendants “do not now plan to use the videotape at trial” (Dkt. 29);

IT IS HEREBY ORDERED that Defendants need not produce any of the February, July, or August 2020 video surveillance in advance of the August 19, 2020, deposition of Plaintiff.

IT IS FURTHER ORDERED that Defendants must produce the video surveillance after the Plaintiff's deposition, unless Defendants do not intend to use the video surveillance for any purpose at trial. To the extent Defendants have not produced the video surveillance by September 2, 2020, Defendants shall be precluded from using the video surveillance at trial, whether for impeachment or any other proper purpose.

SO ORDERED.

Date: August 18, 2020
New York, New York


VALERIE CAPRONI
United States District Judge